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Fifty-seventh session
Item 111 (c) of the provisional agenda*
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Human rights situation of Lebanese detainees in Israel

Note by the Secretary-General**

1. In decision 2002/244 of 25 July 2002, the Economic and Social Council, taking note of Commission on Human Rights resolution 2002/10 of 19 April 2002,[1] on the human rights situation of Lebanese detainees in Israel, endorsed the decision of the Commission to request the Secretary-General to bring the resolution to the attention of the Government of Israel and to call upon it to comply with its provisions, and to report to the Assembly at its fifty-seventh session on the results of his efforts in that regard.

2. In view of the above-mentioned requests, the Secretary-General addressed a note verbale to the Minister for Foreign Affairs of Israel on 10 June 2002.

3. No reply had been received at the time of the preparation of the present note.

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* A/57/150.

** Submitted after 2 July 2002 in order to include the decision of the Economic and Social Council.

[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II.

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Fifty-seventh session
Item 60 of the provisional agenda*
Question of Antarctica

Question of Antarctica

Report of the Secretary-General**

Executive summary

The present report has been prepared by the United Nations Environment Programme (UNEP) in response to General Assembly resolution 54/45 on the question of Antarctica, in particular paragraph 4 of that resolution, in which the Assembly requested that a report be submitted to it at its fifty-seventh session on the information supplied by the Antarctic Treaty Consultative Parties on their meetings and activities in Antarctica and on developments in relation to Antarctica.

The report is based on information drawn from the final reports of the Twelfth Special Antarctic Treaty Consultative Meeting, held at The Hague from 11 to 15 September 2000, and the Twenty-fourth Antarctic Treaty Consultative Meeting, held at St. Petersburg, Russian Federation, from 9 to 20 July 2001, as well as information that the Parties made available to UNEP. It highlights the activities of the Antarctic Treaty system and international bodies, as well as recent developments pertaining to the Antarctic environment.

* A/57/150.

** The report was delayed in submission to allow its thorough revision by all relevant offices of the United Nations Environment Programme.

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Acronyms and abbreviations

AEON	Antarctic Environmental Officers Network (CONMAP)
AMD	Antarctic Master Directory
AMISOR	Amery Ice Shelf Ocean Research Programme
ANDRILL	Antarctic Geological Drilling Consortium
ANTEC	Group of Specialists on Antarctic Neotectonics
APIS	Antarctic Pack-ice Seals programme
ASOC	Antarctic and Southern Ocean Coalition
ATCM	Antarctic Treaty Consultative Meeting
BMCS	Building Monitoring Control System
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CEE	Comprehensive environmental evaluation
CEMP	CCAMLR Ecosystem Monitoring Programme
CEP	Committee for Environmental Protection
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLIC	Climate and cryosphere programme (WMO)
CMS	Convention on the Conservation of Migratory Species of Wild Animals
COMNAP	Council of Managers of National Antarctic Programmes
EPICA	European Project for Ice Coring in Antarctica
FAO	Food and Agriculture Organization of the United Nations
GCOS	Global Climate Observing System
GLOCHANT	Global Change and the Antarctic programme (SCAR)
GOSEAC	Group of Specialists on Environmental Affairs and Conservation
IAATO	International Association of Antarctica Tour Operators
ICSU	International Council of Scientific Unions
IHO	International Hydrographic Organization
IMO	International Maritime Organization
IOC	Intergovernmental Oceanographic Commission
IOC-SOC	Intergovernmental Oceanographic Commission-Intergovernmental Committee for the Southern Ocean
ITASE	International Trans-Antarctic Scientific Expedition

IUCN	World Conservation Union
LIDAR	Light Detection and Ranging
SALE	Group of Specialists on Subglacial Antarctic Lake Exploration
SATCM	Special Antarctic Treaty Consultative Meeting
SCALOP	Standing Committee on Antarctic Logistics and Operations (COMNAP)
SCAR	Scientific Committee on Antarctic Research
SPA	Specially protected area
SSSI	Site of special scientific interest
UNEP	United Nations Environment Programme
WCRP	World Climate Research Programme (WMO)
WMO	World Meteorological Organization
WOCE	World Ocean Circulation Experiment (IOC)

I. Introduction

1. The present report has been prepared in response to General Assembly resolution 54/45, in particular, paragraph 4 of that resolution, in which the Assembly requested that a report be submitted to it at its fifty-seventh session on the information supplied by the Antarctic Treaty Consultative Parties on their meetings, and activities in Antarctica and on developments in relation to Antarctica.

2. Information has been drawn from the reports of the Twelfth Special Antarctic Treaty Consultative Meeting (The Hague, 11 to 15 September 2000) and the Twenty-fourth Antarctic Treaty Consultative Meeting (ATCM) (St. Petersburg, Russian Federation, 9 to 20 July 2001), as well as information that the Parties made available to the United Nations Environment Programme (UNEP). The report is supported, as appropriate and necessary for its comprehensiveness, by factual information contained in documents referred to in the reports of those meetings. The report does not cover the Twenty-fifth ATCM (Warsaw, 10 to 20 September 2002) since it was prepared prior to that meeting. References have been omitted in the report to comply with rules limiting the length of General Assembly documents.

II. Activities of the Antarctic Treaty system and international bodies

A. Antarctic Treaty

3. The Antarctic Treaty was adopted on 1 December 1959 and entered into force on 23 June 1961. During the period under review, Estonia acceded to the Treaty on 24 March 1999. As at July 2001, there were 45 States parties to the Treaty, of which 27 are Consultative Parties.

4. The primary purpose of the Antarctic Treaty is to ensure, in the interests of all mankind, that Antarctica should continue forever to be used exclusively for peaceful purposes and should not become the scene or object of international discord. The Treaty provides for freedom of scientific investigation and promotes international cooperation in scientific research. It also prohibits any nuclear explosions in Antarctica and the disposal of radioactive waste material.

5. To ensure the observance of the provisions of the Treaty, Consultative Parties may carry out inspections in all areas of Antarctica. Since 1999, three inspections have been carried out. In January 2001, Norway undertook an inspection of four stations, all situated in Dronning Maud Land (Maitri (India), Novolazarevskaya (Russian Federation), SANAE IV (South Africa) and Troll (Norway)), one field station (IPICA ice core drilling station) and the site of a former station (Georg Forster (Germany)). The inspection reported that all stations were used for purposes consistent with the provisions and spirit of the Treaty. In February 2001, the United States of America carried out an inspection of 11 stations, all situated on the Antarctic Peninsula (Arctowski (Poland), Ferraz (Brazil), Vernadsky (Ukraine), Juan Carlos I (Spain), St. Kliment Ohridsky (Bulgaria), Frei and Escudero (Chile), Artigas (Uruguay), Jubany (Argentina), Great Wall (China), Bellingshaussen (Russian Federation), and King Sejong (Republic of Korea)). All inspected stations appeared to be in compliance with the provisions of the Treaty. A joint inspection was conducted by Belgium and France in eastern Antarctica in March and April 1999 of three stations (Mawson (Australia), Davis (Australia), and Casey (Australia)), one abandoned station (Wilkes (Australia)) and one vessel (*RSV Aurora Australis* (Australia)). The inspections found full compliance with the objectives and provisions of the Antarctic Treaty.

6. The three above-mentioned inspections also checked the implementation of the Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol). A high degree of awareness and understanding of the Protocol was noted in most stations. Areas for improvement were identified, including fuel storage containment; material for fuel and chemical spill response; sewage treatment systems; presence of non-indigenous species; use of ozone-friendly alternatives instead of halon; familiarity with the requirements relating to environmental impact assessment; and reporting of emergency situations.

7. Every year, the Consultative Parties meet for the purpose of exchanging information, consulting on matters of common interest pertaining to Antarctica, and formulating and recommending to their Governments measures for the furtherance of the principles and objectives of the Treaty. International

organizations have also been invited to attend as experts since 1989.

8. A major breakthrough occurred at the Twenty-fourth ATCM regarding the establishment of a permanent, cost-effective secretariat to the Antarctic Treaty. A consensus was reached on the location of the secretariat in Buenos Aires. Modalities for the establishment of the secretariat will be discussed further at the Twenty-fifth ATCM, to be held in 2002.

B. Protocol on Environmental Protection

9. The Protocol on Environmental Protection to the Antarctic Treaty entered into force on 14 January 1998. During the period under review, Ukraine adhered to the Protocol. As at July 2001, there were 29 Parties to the Protocol, including all Consultative Parties and two non-Consultative Parties, Greece and Ukraine.

10. The main purpose of the Madrid Protocol is to provide for the comprehensive protection of the Antarctic environment and dependent and associated ecosystems. The Protocol designates Antarctica as a natural reserve, devoted to peace and science; prohibits mineral resource activities other than scientific research; and sets principles and measures for the planning and conduct of all activities in the Antarctic Treaty area. The Protocol comprises five annexes, dealing with environmental impact assessment (annex I), conservation of Antarctic fauna and flora (annex II), waste disposal and waste management (annex III), prevention of marine pollution (annex IV) and area protection and management (annex V).

11. Annexes I to IV formed an integral part of the Protocol. Annex V, which was adopted subsequently, requires separate ratification by all Consultative Parties to enter into force. During the period under review, Ecuador and the Russian Federation have ratified annex V. Two parties have still to ratify annex V for it to enter into force. Poland has announced that it has ratified annex V but, for technical reasons, its ratification has not yet been registered by the depositary Government. India has started the process of ratifying annex V. It is hoped that annex V will enter into force by the Twenty-fifth ATCM, in 2002.

12. For several years, States parties to the Antarctic Treaty have discussed drafts for one or more annexes to the Madrid Protocol on liability for environmental damage. No agreement has been reached (see paras. 98 and 99 below).

13. National implementation of the Protocol has been reported on at the last two Consultative Meetings by Argentina, Australia, Belgium, Bulgaria, Chile, China, Finland, Germany, India, Italy, Japan, the Netherlands, New Zealand, Norway, Peru, the Russian Federation, South Africa, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay.

14. As provided for in articles 11 and 12 of the Protocol, the Committee for Environmental Protection (CEP) has been established to, inter alia, provide advice and formulate recommendations on the implementation of the Protocol for consideration at consultative meetings. Since the entry into force of the Protocol, CEP has met once each year, in conjunction with consultative meetings.

C. Convention for the Conservation of Antarctic Seals

15. The Convention for the Conservation of Antarctic Seals entered into force on 11 March 1978. Since the Twenty-third ATCM, there have been no accessions to the Convention. As at July 2001, there were 16 States parties. The United Kingdom, as the depositary Government, reported on the numbers of the six species of Antarctic seal captured or killed in the Convention area (the sea south of 60 degrees south latitude) by States parties to the Convention during the period 1 March 1998 to 29 February 2000 (see table 2).

D. Convention on the Conservation of Antarctic Marine Living Resources

16. The Convention on the Conservation of Antarctic Marine Living Resources entered into force on 7 April 1982. Since the Twenty-third ATCM, there have been two new accessions to the Convention: Namibia (29 June 2000) and Vanuatu (20 June 2001). As at 2 July 2001, there were 31 parties.

17. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) reported on fisheries in the Convention area by States parties to the Convention for the 1999/2000 season (see table 1).

18. In order to clarify the decisions and management procedures associated with the various stages of fishery development, a simplified framework has been introduced, including a fishery plan. The fishery plan provides a comprehensive summary of information for each fishery and the associated regulatory requirements. The first two fishery plans were developed for review by the CCAMLR scientific committee.

19. In January and February 2000, a krill synoptic survey was undertaken in the south-western Atlantic (Food and Agriculture Organization of the United Nations (FAO) statistical area 48), the largest exercise ever carried out by CCAMLR member States, to improve estimates of the pre-exploitation biomass of krill. Preliminary analysis estimates the biomass at 44.29 million tons, with a potential yield of 4 million tons.

20. In the last few years, CCAMLR has played an important role in the development and implementation of measures aiming at reducing seabird mortality in longline fisheries. CCAMLR encourages its member States to participate actively in the development of a regional agreement for the conservation of albatrosses and petrels under the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

21. The impact of marine debris on Antarctic animals is a point of concern for CCAMLR. Based on information collected by CCAMLR Members, there is widespread occurrence of plastic packaging bands. The loss or dumping of fishing gear is also a growing concern.

E. Scientific Committee on Antarctic Research

22. The Scientific Committee on Antarctic Research (SCAR) was established in 1958 with the purpose of initiating, promoting and coordinating scientific research in Antarctica. Its membership in 2002 is 27 full members, 6 associate members and 7 members of the International Council of Scientific Unions (ICSU).

23. There are five groups of specialists within the framework of SCAR, which meet once a year: the Group of Specialists on Environmental Affairs and Conservation; the Group of Specialists on Antarctic Neotectonics; the Group of Specialists on Global Change and the Antarctic; the Group of Specialists on Seals; and the Group of Specialists on Subglacial Antarctic Lake Exploration, which was formed in July 2000 to provide interim guidance on science issues related to the exploration of subglacial lakes, with particular reference to Lake Vostok.

24. There are also seven working groups dealing with questions of biology, geodesy and geographic information, geosciences, glaciology, human biology and medicine, physics and chemistry of the atmosphere, and solar-terrestrial and astrophysical research. At the twenty-sixth SCAR meeting, held in Tokyo in July 2000, it was agreed that the Working Groups on Geology and Solid Earth Geophysics should unite to form a new group, the Working Group on Geosciences.

F. Council of Managers of National Antarctic Programmes

25. The Council of Managers of National Antarctic Programmes (COMNAP) was established in 1988 to provide a forum to facilitate the exchange of views between directors and logistics managers of national Antarctic agencies, improve the effectiveness of operations in Antarctica, and discuss international cooperation in operations and logistics. COMNAP has a permanent Standing Committee on Antarctic Logistics and Operations (SCALOP) and various task-oriented working groups.

26. COMNAP members are increasingly supporting integrated research projects focused on global changes, and depend on technological developments to increase the efficiency and effectiveness of Antarctic science. International programmes requiring large-scale support by COMNAP include the European Programme for Ice Coring in Antarctica (EPICA), the Lake Vostok drilling project, the Concordia project and the International Trans-Antarctic Scientific Expedition. The Cape Roberts project is now completed and a new Antarctic Drilling Project consortium has been established to pursue further geological drilling research.

27. The development of intercontinental air access is continuing. In January 2001, South African and Scandinavian Antarctic programmes cooperated in a joint test flight between Cape Town and Dronning Maud Land. The Australian programme has undertaken an extensive study on the possibility of creating an air

link from Hobart to East Antarctica. Trial flights were scheduled for the 2001/02 season.

28. Since the twenty-third ATCM, there has been increased interaction between private expeditions and national programmes with respect to safety, contingency backup, and requests to national operators for search and rescue response.

29. The Antarctic Environmental Officers Network (AEON), under the umbrella of COMNAP, continues to address environmental monitoring and environmental impact assessment to provide support for individual members' activities in those areas.

30. COMNAP has worked closely with SCAR, including on the development of the Antarctic Master Directory.

G. International organizations

1. Antarctic and Southern Ocean Coalition

31. Since the twenty-third ATCM, the primary focus of the Antarctic and Southern Ocean Coalition (ASOC) has been to monitor and promote the implementation of the Madrid Protocol, with particular attention to progress in implementing the Protocol provisions, carrying out the environmental impact assessment process, the ratification of annex V to the Protocol and the development of one or more annexes on liability. ASOC has established new regional offices for Latin America, Europe and southern Africa, as well as national offices in India, the Russian Federation and Ukraine.

32. ASOC has maintained a strong interest in critical environmental issues, such as the impacts of the Antarctic tourism industry; illegal, unregulated and unreported fishing activities in the CCAMLR Convention Area; and human-induced climate changes.

2. International Association of Antarctic Tour Operators

33. The International Association of Antarctica Tour Operators (IAATO) was founded by seven private tour operators in 1991 and has grown to include 44 members from Argentina, Australia, Belgium, Canada, Chile, the Falkland Islands, Germany, Japan, the Netherlands, New Zealand, Norway, the United Kingdom and the United States. The majority of tourist ships visiting the Antarctic are IAATO members (all but four in 1999/00 and all but two in 2000/01). Some yacht operators are joining IAATO. At its twelfth general meeting, held in June 2001, IAATO revised its membership to include seven categories. The rule precluding companies with ships carrying over 400 passengers to become members has been abolished.

34. Since the twenty-third ATCM, IAATO has focused its activities on (a) increasing cooperation and field coordination among its members; (b) promoting effective environmental impact assessments; (c) preventing the introduction of alien organisms; (d) promoting self-sufficiency and proper conduct among visitors; and (e) developing emergency response and contingency plans.

3. International Hydrographic Organization

35. The permanent Working Group on Cooperation in Antarctica of the International Hydrographic Organization (IHO) has reported annually to the consultative meetings since its establishment in 1992. It is currently known as the IHO Hydrographic Committee on Antarctica.

4. Intergovernmental Oceanographic Commission

36. The Intergovernmental Oceanographic Commission (IOC) was founded in 1960 within the United Nations Educational, Scientific and Cultural Organization, and implements programmes within three subject areas: (a) marine sciences; (b) ocean services; and (c) training, education and mutual assistance and capacity-building. In 1967, IOC established the Intergovernmental Committee for the Southern Ocean (IOC-SOC) to promote and coordinate oceanographic observations and research in the Southern Ocean.

37. IOC took a lead role in establishing the Global Ocean Observing System (GOOS). GOOS aims to meet the need for (a) forecasting climate variability and change; (b) assessing the state of health of the marine environment and its resources (including the coastal zone); and (c) supporting an improved decision-making and management process which takes into account potential natural and manmade changes in the environment and their effects on human health and resources.

5. International Maritime Organization

38. The Convention establishing the International Maritime Organization (IMO) was adopted on 6 March

1948 and entered into force on 17 March 1958. The IMO Assembly met for the first time on 6 January 1959.

39. The involvement of IMO in Antarctic matters relates primarily to the prevention and control of marine pollution from ships and maritime safety. IMO is currently developing an international code of safety for ships in Arctic waters, to be known as the Arctic shipping guidelines (see also para. 73 below).

6. World Conservation Union

40. The World Conservation Union (IUCN) is a partnership of States, governmental agencies and non-governmental organizations founded in 1948. It has 973 members, including 180 State and governmental agency members. The mission of IUCN is to influence, encourage and assist societies throughout the world in conserving the integrity and diversity of nature to ensure that any use of natural resources is equitable and ecologically sustainable. IUCN has established six commissions, two of which, those on protected areas and on environmental law, have made significant contributions to the IUCN Antarctic programme.

7. United Nations Environment Programme

41. UNEP was established in 1972 to serve as a focal point for environmental action and coordination within the United Nations system. UNEP's closely linked global programmes for the marine environment and its living resources include the Global Plan of Action for the Conservation, Management and Utilization of Marine Mammals, the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Regional Seas Programme.

42. The assessment programme of UNEP has responsibility for carrying out the functions concerning the state of the environment. UNEP launched the third volume of its *Global Environment Outlook* series in May 2002, in which the polar regions are dealt with in two main chapters, "State of the environment and policy retrospective 1972-2002" and "Outlook: 2002-2032".

43. UNEP administers the secretariats of various global conventions dealing with subjects relevant to Antarctica and the Southern Ocean, including the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol on Substances that Deplete the Ozone Layer, the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on the Conservation of Migratory Species of Wild Animals. UNEP also acts as interim secretariat for the Stockholm Convention on Persistent Organic Pollutants.

8. World Meteorological Organization

44. The World Meteorological Organization (WMO), which was established in 1950, is a specialized agency of the United Nations system. The major activity of WMO, providing the international framework for meteorological observations and data exchange, has contributed considerably to weather forecasting.

45. WMO maintains the World Weather Watch, an important feature of which is the Antarctic Basic Synoptic Network. The operation and maintenance of this Network and the timely transmission of observational data via the Global Telecommunications System are essential in providing meteorological data for global weather analysis and prediction models and research. The data is fundamental to our understanding of contemporary processes of global relevance, such as ozone depletion, atmospheric pollution, climate change, melting of ice shelves and glaciers, and sea level rise. All require Antarctic data to ensure true global perspective.

46. The World Climate Research Programme (WCRP), initiated jointly by WMO and ICSU, has a significant Antarctic component. WCRP includes research on climate and cryosphere, providing a globally integrated approach to the study of the role of the cryosphere in the climate system.

47. WMO continues to cooperate with ATCM, SCAR, COMNAP and IOC. Closer cooperation with IOC will also cover the IOC World Ocean Circulation Experiment (WOCE), which has been expanded to include atmosphere-ice-ocean interactions in the southern latitudes. With co-sponsors the British Antarctic Survey, the Australian Bureau of Meteorology, SCAR and COMNAP and contributions from 15 nations, an international Antarctic weather forecasting handbook was produced to primarily guide/inform people involved in operational weather forecasting in the Antarctic.

48. In June 2001, the WMO Executive Council, requested its Working Group on Antarctic Meteorology to strengthen cooperation on Antarctic matters with

other WMO programmes. The Council also called upon its members to deploy more automatic weather stations on the continent and drifting buoys in the seasonal sea ice zone, and to expand ozone related measurements to meet growing environmental needs.

III. Recent developments pertaining to the Antarctic environment

A. Science and support activities

1. Science support sites

49. Australia has installed a building monitoring control system in all its stations to optimize the operation of pumps, lights, heating and ventilation systems and minimize energy use. Australia is also planning the installation of wind turbines, which would lead to at least a 75 per cent reduction of fossil fuel use and reduce the risk of oil spills.

50. A new base, Kohnen (Germany), has been established in Dronning Maud Land. The base that became fully operational on 11 January 2001 is part of EPICA.

2. Weather and global change

51. There are a number of meteorological reporting networks supporting Antarctic operations and research, including automated and staffed surface weather stations, stations providing upper-air soundings and satellites providing information. Forty-four surface weather stations are staffed. As a result of economic considerations, the coverage of the upper-air network is gradually being reduced to 12 stations (with only the Amundsen-Scott station in the interior). There are 18 Antarctic surface weather stations included in the 989 stations of the GCOS Surface Network. The 12 Antarctic upper-air stations are included in the 150 stations that make up the GCOS Upper Air Network. A network of ground stations located in the Antarctic complements the satellite-borne instruments that monitor the losses of ozone in the stratospheric ozone layer.

52. With a view to standardizing the collection of meteorological data, the Russian Federation has introduced new data-collection methods in all its stations.

53. Australia installed a light detection and ranging instrument at Davis station in 2000/01, designed to remotely measure temperature, wind velocity and aerosol concentration from the lower atmosphere (10 kilometres (km)) to the upper mesosphere (about 90 km altitude) to look for evidence of climate change in the polar atmosphere.

3. Data and metadata

54. The Antarctic Master Directory provides information on the types of Antarctic data in each country and how the data can be accessed. Information is contributed by national Antarctic data centres. Due to limited acceptance of the Directory, funding for its development was suspended in 2000. New funds were secured for 2001 and 2002 in support of specific outputs.

4. Global change

55. Under its programme "Studies and research in the Antarctic", the Russian Federation has studied the impact of climate change in Antarctica. Quantitative estimates of the Antarctic climate changes due to a doubling of carbon dioxide (CO_2) concentration were obtained based on a climate model: increase of surface temperature by 3.9 degrees (°) Celsius, on average, in winter, and 2.8° in summer; increase in precipitation by 50 millimetres (mm) a year; and displacement of cyclone trajectories southward. Calculations show that the accumulation will increase the mass of Antarctic glaciation.

56. Based on studies of the ice core of Vostok station, sub-glacial Lake Vostok and the dynamics of glaciers in the marginal zone of the Antarctic, air temperature changes in the vicinity of Vostok station have been reconstructed for the last 400,000 years. The temperature oscillations relative to the current state were within +5° to −15° Celsius. The snow accumulation (expressed in mm of water) changed from 12 mm at the cooling maximums to 36 mm at the warming maximums. Glacier degradation in the Antarctic Peninsula was noted during the past decade.

5. Earth sciences and glaciology

57. The Cape Roberts project, established to investigate the history of uplift of the Trans-Antarctic Mountains and the past 100 million years of climate history, has been completed.

58. Collaborative research is continuing under the European Project for Ice Coring in Antarctica.

59. An ice drilling project on the north-eastern corner of the Amery ice shelf near Davis station was undertaken during the 2000/01 summer. The borehole facilitated the provision of data on the history of the retreat and advance of the shelf across the site.

60. Twenty-four Australian and Italian scientific personnel, from 13 institutions, undertook an international ocean drilling programme in February and March 2000 in the waters off the East Antarctic coast of Wilkes Land. The results from the programme will help to better understand the dynamics of the Southern Ocean and how they affect the region's ecosystems and climate.

61. Lake Vostok is generating increasing scientific interest. No coring of the Lake has yet taken place, with drilling stopping approximately 100 metres (m) above the Lake. Ice overlying the Lake is 3,700 to 4,000 m thick and the water layer is 670 to 800 m thick. The project will be subjected to a comprehensive environmental evaluation before drilling is attempted. SCAR convened the International Workshop on Subglacial Lake Exploration in Cambridge, United Kingdom, in September 1999. The workshop produced a scientific plan and made suggestions for a phased-in approach for comprehensive subglacial lake exploration programme. It also recommended the appointment of an international group of specialists on subglacial Antarctic lakes exploration.

62. Canada is coordinating the development of a cyber-cartographic atlas of Antarctica, a computer-based atlas that will allow assembly and display of environmental information in multiple dimensions. National mapping offices and academic institutions from several countries have participated in the planning and provided data. Discussions have continued with members of the SCAR Working Group on Geodesy and Geographic Information.

6. Life sciences

63. As part of the international Antarctic Pack Ice Seals programme, a detailed ship-based and aerial survey across the Southern Ocean in the outer Antarctic pack ice took place during the 1999/00 season. The team surveyed an area of more than one million square kilometres (km^2) and captured seals and attached dive recorders to study their movements and diving behaviour.

B. Environmental monitoring and state of the environment report

1. Environmental monitoring

64. COMNAP/SCAR have published an environmental monitoring handbook and CD-ROM. The handbook provides techniques for physical and chemical monitoring of station environmental impacts. COMNAP's Antarctic Environment Officers' Network is developing guidelines for station environmental monitoring programmes.

65. CCAMLR's Ecosystem Monitoring Programme (CEMP) monitors the status of selected species at various localities and in various habitats around the Antarctic south of the polar front. It records population changes in those species in relation to biological and environmental variability. As such, CEMP data give an indication of the ecosystem health.

66. Specific monitoring programmes are being implemented by various nations. Peru is continuing its studies on environmental radioactivity and biomonitoring. The Russian Federation has carried out monitoring of the radiation conditions and chemical environmental parameters in the areas of Russian Antarctic stations during the 1999/2000 season, in view of the large quantity of artificial radionuclides that have been generated for the last three decades on Earth and could be deposited in Antarctic areas.

2. State of the Antarctic environment report

67. The preliminary study for a State of the Antarctic environment report to be prepared by SCAR will be submitted to the fifth meeting of the Committee for Environmental Protection.

68. New Zealand announced that a Ross Sea region state of the environment report will be completed by November 2001 and may be used as a pilot for a continent-wide report, although the timing of a state of the Antarctic environment report will not be tied to its completion.

C. Environmental impact assessment

69. In accordance with the Madrid Protocol, environmental impact assessment procedures have been developed for activities undertaken in the Antarctic. Where the impact will be less than minor or transitory, an initial environmental evaluation is to be prepared. If the impact is likely to be more than minor or transitory, a comprehensive environmental evaluation must be carried out.

70. COMNAP is conducting an analysis of initial evaluations prepared for scientific ice core drilling, station living facilities and fuel storage with the aim of achieving a better understanding of how the environmental impact assessment process is being implemented by different operators. SCAR was planning a workshop in 2001 to consider the potential impacts on the marine environment of scientific acoustic techniques.

71. Some discussions were held on the merits of strategic environmental assessment. The issue of cumulative environmental impact received increased attention. An intersessional contact group was formed at the twenty-fourth ATCM to: (a) present an annotated summary of past and continuing studies and reports that are examining cumulative environmental impacts pertinent to the Protocol; (b) consider and advise on how future studies on human impacts could be coordinated and conducted, including the roles that SCAR, COMNAP, CCAMLR and IAATO, ASOC and other non-governmental organizations might play in this work; and (c) identify priorities for future studies on the cumulative environmental impacts of human activity in Antarctica.

72. Since the twenty-third ATCM, one comprehensive evaluation has been submitted to the Committee for Environmental Protection by Germany regarding the recovering of a deep ice core in Dronning Maud Land. The evaluation was in accordance with the Madrid Protocol.

D. Safety of operations, emergency response and contingency planning

73. In response to decision 2 (1999) of the twenty-third ATCM, an Antarctic Treaty meeting of experts was convened in April 2000 to begin the development of Guidelines for Antarctic shipping and related activities. The guidelines may draw on the Arctic shipping guidelines currently being developed under the auspices of IMO, in particular with regard to vessel construction and equipment. A zonation of the Southern Ocean based on ice navigation conditions is being developed and could be part of the guidelines.

74. COMNAP undertook a study of environmental emergencies arising from activities in Antarctica. Fuel spills are the most common incidents, with the greatest potential to cause environmental impacts. Most reported spills have been small and confined to a station or base or adjoining waters. Further fuel spills in the marine environment are the least likely to occur but pose the greatest risk to wildlife. IAATO carried the same survey among its members. Since 1991, 11 incidents have occurred: six transport incidents, one oil leakage, three medical evacuations and one environmental incident (a collision with a humpback whale).

E. Waste disposal and waste management

75. Annex III to the Madrid Protocol provides guidelines for waste disposal and waste management by Parties.

76. The Russian Federation has implemented a number of preventive measures with regard to waste disposal and management and has carried out clean-up actions in its stations. Uruguay removed waste of unknown origin in the vicinity of its ECARE station. Chile adopted new environmental practices to be applied to the installation of a portable summer station in Patriot Hills.

77. The inspection carried out by the United States indicated that some stations did not have adequate sewage treatment systems. The inspection undertaken jointly by Belgium and France noted waste-related problems at the abandoned Wilkes station.

F. Prevention of marine pollution

78. Annex IV to the Madrid Protocol covers marine pollution. It regulates the discharge of sewage, oil or oily liquids or other noxious liquids, disposal of garbage, preventive measures and emergency preparedness.

79. Recently, IHO and many of its Member States have taken an increased interest in Antarctica, because of the growing volume of vessel traffic and the consequent increase of risk of pollution. IHO embarked on a special programme to improve the quality of charts of the Antarctic coast. The status of surveying and charting is slowly improving.

80. The United Kingdom and Germany undertook a successful oil spill exercise at the Rothera Research Station in conjunction with the research vessel *Polarstern*. An accident involving the Chilean vessel *Patriarche* was reported.

81. There is an increased amount of marine debris in the Southern Ocean. CCAMLR members are currently collecting information regarding loss or dumping of fishing gear; collection of marine debris by vessels at sea; surveys of marine debris on beaches; entanglement of marine mammals in marine debris; marine debris associated with seabird colonies; and animals externally contaminated (i.e., soiled) by hydrocarbons or other substances. Plastic packaging bands still persist in marine debris washed ashore in FAO statistical sub-areas 48.2 and 48.3, although their uses are prohibited in the Convention Area. There is also growing concern over the potential impact of fishing gear lost from vessels, which may have an impact both on fish stocks (ghost fishing) and on seabird and marine mammal populations (entanglement, ingestion). This problem is likely to be more acute in unregulated fisheries where longlines are sometimes abandoned by vessels trying to avoid detection.

G. Ozone depletion

82. The Antarctic springtime ozone hole is one of the most dramatic manifestations of global change; in 2000, it reached a record area of almost 30 million km^2 in the first week of September, compared with areas of between 24 and 27 million km^2 in the previous five springs. The year 2000 ozone hole departed from previous years in the rapid appearance and early decline in the size of the hole. By 23 November 2000, the hole had dissipated entirely, the earliest it has done so since 1991. This is related to the natural variability of general circulation patterns in the global atmosphere, but particularly to variations within the circum-polar vortex in the lower stratosphere over Antarctica.

83. Changes in ozone over Antarctica are predicted to be accompanied by an increase of 130 per cent in surface erythemal (skin damaging) radiation if other influences, such as clouds, remain constant. However, worldwide compliance with current international agreements is rapidly reducing the yearly emissions of ozone-depleting substances. As those emissions cease, the ozone layer will gradually improve over the next several decades.

H. Conservation of Antarctic fauna and flora

84. Annex II to the Madrid Protocol covers the conservation of Antarctic fauna and flora, including their protection, introduction of non-native species or diseases, exchange of information and specially protected species.

85. The intersessional working group set up at the Twenty-third ATCM has completed its study on diseases of Antarctic wildlife. The study reviewed historic information on wildlife diseases in Antarctica; characteristics of the Antarctic environment that increase the risk of disease introduction; human activities and their potentials to introduce disease; and scenarios that increase risk. The study identified practical measures to diminish such risk. Currently, the risk that human activities in Antarctica might introduce diseases is assessed to be very low.

86. A review of the conservation status of Antarctic fauna and flora was initiated. The review aims to identify species which might be designated as Antarctic specially protected species; recommend legal and practical mechanisms to provide special protection for those species; and consider whether the status of specially protected species should be applicable to Antarctic species other than native mammals, birds and plants.

87. An ongoing review of guidelines for the operation of aircraft near concentrations of birds is being undertaken. Interim results of the review were presented at the Twenty-fourth ATCM.

88. The mortality of seabirds resulting from illegal, unregulated and unreported fishing in the CCAMLR Convention Area still remains a problem. A concerted international effort is required to resolve this problem. CCAMLR has played an important role in the creation and implementation of measures to reduce seabird

mortality in longline fisheries. Those measures, coupled with the willingness of many fishing masters to cooperate with scientific observers, helped to alleviate the problem within the regulated fishery in the Convention Area, especially in FAO statistical sub-areas 48.3 (South Georgia) and 88.1 (Ross Sea). However, concern has been expressed that greater fishing effort and poorer compliance during the 1999/2000 fishing season has led to increased seabird by-catch in sub-areas 58.6 (Prince Edward and Marion Islands) and 58.7 (Crozet Islands).

89. The reported fisheries catches are given in table 1. As noted in the table and previous reports, reported catches of krill have remained relatively stable since 1992/93, ranging from 80,000 to 120,000 tons, while reported catches of finfish have increased significantly. There was no fishing for squid or crabs in the Convention Area during 1999/2000.

Table 1
Reported fisheries catches, Antarctica, 1998/99 and 1999/2000

(*Tons*)

	Year	
	1998/1999	*1999/2000*
Krill	103 318	101 286
Finfish	18 094[a]	19 283[b]

[a] Patagonian toothfish (*Dissostichus eleginoides*) accounted for 17,558 tons.
[b] Patagonian toothfish accounted for 14,441 tons; it is believed that, in addition to reported catches, about 6,000 tons were taken as a result of illegal, unregulated or unreported fishing activities.

90. Illegal, unregulated and unreported fishing of toothfish remained one of the major issues faced by CCAMLR, which has introduced an integrated set of administrative and political measures to address such activities, including the establishment of cooperative mechanisms between Parties, such as the catch documentation scheme; inspections by Contracting Parties of all their vessels licensed to fish in the Convention Area; inspections of non-Contracting Party fishing vessels in the ports of Contracting Parties; compulsory identification markings on vessels and fishing gear; further development of ties with non-Contracting Parties; and the introduction of a vessel monitoring system in toothfish fisheries. The catch documentation scheme is the most important measure taken by CCMALR. The scheme is designed to track the landings and trade flows of toothfish caught in the Convention Area and, whenever possible, in adjacent water. The scheme became binding upon all CCAMLR members on 7 May 2000. Several non-Contracting Parties engaged in toothfish fishing and/or trading were invited to cooperate with the scheme. Seychelles and Mauritius have already taken steps to that end. Recommendation 2 (2000) adopted at the Twelfth Special ATCM also requested non-Contracting Parties to CCAMLR involved in toothfish fishing or trading to comply voluntarily with the scheme.

91. In June 2002, the CITES secretariat published proposals submitted by a Party to list two species of toothfish (*Dissostichus eleginoides* and *Dissotichus dawsonii*) in appendix II to the Convention; they will be considered at the twelfth meeting of the Conference of the Parties to the Convention, to be held in Santiago from 3 to 15 November 2002.

92. The reported capture and killing of seals in 1998/99 and 1999/2000 has increased significantly (see table 2). Four countries are still not reporting seal captures or kills. At its seventh Conference of Parties to the Convention, CMS will consider a proposal from a Party to list the South American fur seal in appendix II to the Convention.

Table 2
Reported capture and killing of seals, 1998/99 and 1999/2000

	Year	
	1998/1999	*1999/2000*
Captured and released	560[a]	5 378[b]
Killed	0	1[c]

[a] By Chile (520) and Brazil (40).
[b] By United States (4,696), Chile (564), Japan (98) and Brazil (20).
[c] By United States.

I. Area protection and management

93. Annex V to the Madrid Protocol covers area protection and management. When it enters into force,

all existing sites of special scientific interest and specially protected areas will become Antarctic specially protected areas. In addition, management plans will be required where none have previously been adopted. Guidelines have been adopted for the identification of such areas. Work on a systematic environmental geographic framework has also been initiated, facilitating systematic risk assessments in relation to proposed protected areas and overall protected area planning.

94. There have been two new and seven revised management plans approved since the Twenty-third ATCM. The date of expiry of 22 sites of special scientific interest were extended until 31 December 2005. It has been agreed that draft management plans are to be reviewed by an intersessional contact group. A number of such plans are currently in the review process.

95. Two resolutions were adopted regarding historic sites and monuments. By resolution 4 (2001), parties were asked to review and update the list of historic sites and monuments. Resolution 5 (2001) recommended the use of new guidelines on the handling of pre-1958 historic remains for which the existence or current location have not been established.

96. Of concern is the unrestricted collection of meteorites in Antarctica. Resolution 3 (2001) was adopted urging parties to the Madrid Protocol to take all necessary legal or administrative steps to preserve Antarctic meteorites so that they are collected and curated according to accepted scientific standards, and made available for scientific purposes.

J. Sea ice and ice sheets

97. The large permanent polynya (an area of open water within the sea ice) off the Mertz Glacier in George V Land was studied in July-August 1999. The process of ice formation in the polynya is very rapid, a rate of ice production that is sufficient to produce surface water that is more salty and denser than normal seawater and sinks down over the edge of the continental shelf and into the ocean depths. That vertical circulation of water, "Adélie bottom water", could be of major significance in driving oceanic circulation for many thousands of kilometres out into the Pacific and Indian oceans. Previously, it was thought that the Weddell Sea, close to the southern tip of South America, was the major source of dense Antarctic bottom water.

K. Question of liability

98. In accordance with article 16 of the Madrid Protocol, the Consultative Parties undertake to elaborate rules and procedures relating to liability for damage arising from activities covered by the Protocol, to be included in one or more annexes. To date, no such annexes have been developed.

99. Two main approaches have been put forward: a step-by-step approach promoted by one Party and a comprehensive approach. Although there is no consensus on either approach, some work has been carried out on a step-by-step approach. Meanwhile, clarifications have been brought on issues or terminology related to liability, including environmental emergencies; unplanned and accidental events; response actions; preventive measures; contingency plans; operators; dependent and associated ecosystems; limits of compensation; environmental funds; and dispute resolution. In response to resolution 5 (1999), SCAR and COMNAP have also considered a number of liability-related definitions/issues from a scientific point of view, including harm to the environment; dependent and associated ecosystems; activities/incidents that might result in harm to the environment; containment, mitigation and clean-up action; and irreparable harm.

L. Antarctic tourism and other non-governmental operations

100. From 1992/1993 to 2000/2001, there has been a significant increase (82 per cent) in the number of shipborne tourists (see table 3). The 1999-2000 season recorded the highest number of shipborne tourists ever, 14,402. The main factor for yearly fluctuation in the scale of shipborne tourism is the presence of large tour ships.

101. The majority of Antarctic seaborne voyages are to the Antarctic Peninsula region: only five of 153 departures during 1999/2000 and six of 135 voyages during 2000/01 took place outside that region.

Table 3
Selected tourism statistics, Antarctica, 1992-2000

	Year								
	1992/93	*1993/94*	*1994/95*	*1995/96*	*1996/97*	*1997/98*	*1998/99*	*1999/2000*	*2000/01*
Number of shipborne tourists	6 585	8 016	8 098	9 212	7 322	9 378	9 857	14 402	11 997
Number of tourist vessels (number of Russian vessels)					13 (9)	14 (6)	15 (7)	20 (10)	18 (9)
Number of Yacht cruises (number of tourists)	18	19	19	13	24	11 (95)	11 (90)	23 (221)	14 (128)
Number of land-based tourists					106	131	79	139	127
Sightseeing flights					10	9	9	31	25

102. Land-based tourism is operated by IAATO member Adventure Network International. There are now usually over 100 land-based tourists per season.

103. Antarctic tourism activities are increasing, as well as their diversity, presenting new management challenges. The practical management of adventure tourism and its potential impact on national programmes and tour operators in terms of search and rescue operations for unsupported adventure tourists is a growing concern. The Twenty-fourth ATCM decided that the issue of tourism should be the subject of detailed discussion at its next meeting, in 2002.

104. All IAATO members except one have completed their environmental impact assessments for 1999/2000

and 2000/01. A new standard protocol to report any high mortality incidents among Antarctic wildlife and to avoid the introduction and translocation of alien diseases is being used by IAATO members. An industry-wide emergency response action and contingency plan has been prepared. Specifications for IAATO member tour vessels have also been compiled to contribute to a risk assessment.

105. Antarctic tour operators have continued to support operations and programmes in the Antarctic by providing transport.

M. The Arctic and Antarctica

106. The Arctic Council was inaugurated in 1996 and provides for cooperation, coordination and integration among the eight Arctic States. The Council includes Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States. The major indigenous organizations in the Arctic are also permanent participants in the work of the Council. There is a systematic exchange of information between the Antarctic Treaty system and the Arctic Council.

107. The legal situations in the Arctic and Antarctica are quite different, although a number of scientific and environmental issues are common to both regions. Some of the work conducted in the Arctic could serve as an example in Antarctica, such as the studies entitled "Arctic flora and fauna: status and conservation" and the "Arctic climate impact assessment", as well as the International Bathymetric Chart of the Arctic Ocean and the Marine Arctic Sediment Thickness project.

IV. Concluding remarks

108. **The Antarctic Treaty system continues to provide a unique example of international cooperation. Designated as a natural reserve, devoted to peace and science, Antarctica is the scene of successful international cooperation in research, in particular for the study of global changes.**

109. The entry into force of the Madrid Protocol on 14 January 1998 has further regulated human activities in Antarctica to protect the Antarctic environment and its dependent and associated ecosystems. The Committee for Environmental Protection has become a dynamic forum to discuss and address environmental issues related to human activities. The recent consensus on the establishment of an Antarctic Treaty secretariat will provide the Treaty with a central repository of information, in particular with regard to its meetings and activities.

110. There are, however, some issues of concern and challenges that need to be addressed. Since 1991, no agreement has been reached on one or more annexes to the Madrid Protocol concerning liability for environmental damage, although much work has been done to build a consensus on the way forward. Major efforts have been undertaken to address illegal, unregulated and unreported fishing for toothfish in the Southern Ocean, but further enforcement and cooperation are still required from all States involved to bring such activities to a halt. The number of tourists and tour vessels continues to increase: efforts should continue to prevent and mitigate the environmental impact of that growing industry. Global changes, in particular climate change and depletion of the ozone layer, remain major threats to the integrity of the Antarctic environment.

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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Long-term financial obligations of the United Nations with regard to the enforcement of sentences

Report of the Secretary-General**

Summary

The General Assembly, in its resolution 55/226 of 23 December 2000, requested the Secretary-General to submit to it at its fifty-sixth session a report on the likely long-term financial obligations of the United Nations with regard to the enforcement of sentences. Further, by its resolution 56/248 B, the Assembly requested the Secretary-General to submit to it at its fifty-seventh session a report on the same question. The present report is being submitted in response to those resolutions.

The General Assembly is requested to take note of the present report.

* A/57/150.

** The delayed submission of this report is attributable to the extensive consultations that were required between Headquarters and the Tribunal.

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I. Introduction

1. The long-term enforcement of prison sentences imposed by the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 will require resources to meet costs arising directly and immediately from the enforcement of sentences, as well as costs arising from the existence and functioning of mechanisms and arrangements dealing with a number of legal and practical issues that arise, or might arise, under the regime for the enforcement of sentences laid down in and under the Tribunal's statute.

2. In identifying legal and financial elements relating to the enforcement of sentences for which the United Nations will need to provide resources, it is estimated that an annual provision of $1,015,800, at current rates, would be required to meet maintenance costs to support a projected 50 convicted persons, based on the present arrest and conviction rates, as well as to cover costs that may arise out of the need to, inter alia, relocate, transfer and discharge prisoners, review convictions and conduct periodic inspections of prison facilities.

3. It is also evident that consideration will have to be given to meeting costs that may arise upon the completion of sentences. Based on a set of assumptions, these costs, which could include costs relating to the relocation of individuals to suitable destinations, are currently estimated at $141,000.

4. While it is possible that some costs may arise in the long term in connection with the settlement of cases in which a miscarriage of justice has been found to take place, these are not addressed in the present report, as they fall outside the scope of costs arising from the enforcement of sentences.

5. Article 26 of the statute of the International Tribunal for Rwanda provides:

> "Imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated to the Security Council their willingness to accept convicted persons, as designated by the International Tribunal for Rwanda. Such imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal for Rwanda."

6. On the basis of this provision, the United Nations, acting through the International Tribunal for Rwanda, has signed agreements to date with Mali, Benin and Swaziland concerning the enforcement of sentences.

7. Although a number of African States (including the three States with which agreements have been signed) have indicated their willingness to take convicted persons from the Tribunal, they have solicited the assistance of the Tribunal in making improvements to the prison accommodation in which those convicts would be held, in order to bring the accommodation up to minimum international standards. Provisions were included in the approved 2001 budget of the Tribunal for upgrading prison facilities in those countries taking convicted persons from the Tribunal. They have also sought the assistance of the Tribunal in sharing the upkeep and maintenance costs arising from the enforcement of those sentences.

8. The Advisory Committee on Administrative and Budgetary Questions, in its report on the financing of the Tribunal for the biennium 2002-2003, stated that it had been informed that of the $213,500 budgeted in 2001 for upgrading prison facilities, only $43,300 had been expended (A/56/666, para. 49). The Tribunal did not fully utilize these resources because of uncertainty stemming from an interpretation that the statute did not include provisions for upgrading prison facilities. Accordingly, no provisions were included in the proposed resource requirements for 2002-2003.

II. Likely long-term financial obligations of the United Nations with regard to the enforcement of sentences of the International Tribunal for Rwanda

9. A distinction can be made between two kinds of long-term costs that will, or might, fall to the Organization and that arise, or might arise, from the enforcement of the Tribunal's sentences. On the one hand, there are costs arising directly and immediately from the enforcement of sentences and that are currently visible as such. On the other hand, there are

costs arising from the existence and functioning of mechanisms and arrangements dealing with a number of legal and practical issues that arise, or might arise, under the regime for the enforcement of sentences laid down in and under the Tribunal's statute. While the costs in the latter category currently do not appear to arise from the enforcement of sentences, it may become apparent that they do once the core tasks of conducting trials and hearing appeals are completed.

A. Annual costs arising directly or indirectly from the enforcement of sentences: $1,015,800

1. Maintenance costs ($725,000)

10. The statute of the Tribunal does not directly address the issue of allocation of costs incurred in enforcing sentences of imprisonment pronounced by the Tribunal, in particular the issue of whether those costs are to be borne by the United Nations or by the States in which the sentences are served. Since States that agree to enforce sentences handed down by the Tribunal are, in effect, agreeing to assume a burden for the United Nations and to provide a service to it, the costs arising directly from the provision of that service may lawfully and properly be borne by the Organization, if the States concerned are unable or unwilling to meet them.

11. The agreements with Benin, Mali and Swaziland are based on a model agreement on the enforcement of the Tribunal's sentences, prepared by the Registry of the Tribunal in consultation with the Office of Legal Affairs. Article 11, paragraph 1, of the model agreement provides:

> "The Tribunal shall bear the expenses related to the transfer of the convicted person to and from the requested State, unless the parties agree otherwise. The requested State shall pay all other expenses incurred in the enforcement of the sentence, unless otherwise agreed by the parties."

12. Changes were made to this provision during the course of negotiations with Benin, Mali and Swaziland. Article 11, paragraph 1, of the Agreement with Benin reads:

> "The Tribunal shall bear the expenses related to the transfer of the convicted person to and from the requested State, unless the parties agree otherwise. The requested State shall pay all other expenses incurred in the enforcement of the sentence."

Article 11, paragraph 1, of the agreements with Mali and Swaziland reads:

> "Unless the parties agree otherwise:
>
> (a) The Tribunal shall bear the expenses related to (i) the transfer of the convicted person to and from the requested State; (ii) the repatriation of the convicted person upon completion of his/her sentence; (iii) in the case of death, repatriation of the body of the convicted person;
>
> (b) The requested State shall pay all other expenses incurred in the enforcement of the sentence."

13. Notwithstanding the terms of these agreements, the States concerned have indicated that they are not in a position to accept convicted persons from the Tribunal unless the United Nations agrees to bear at least certain costs that would be incurred in the enforcement of their sentences, in particular the cost of their upkeep. This is due to the fact that the States, as a consequence of their agreements with major international financial institutions, are subject to strict monitoring of their public spending. Any increase in expenditure requires the approval of those institutions. Given the need to comply with minimum international standards relating to the conditions and treatment of prisoners, significant increases in the States' prison budgets would be required if they had to bear the cost of basic maintenance and upkeep for prisoners transferred by the Tribunal. Hence the request for the United Nations to reimburse costs for meals, bedding, basic toiletries (soap and buckets for bathing) and clothing and for any specialized medical or dental treatment that prisoners might need that cannot be provided within the prison. (It should be noted in this connection that a number of prisoners are suffering from serious or terminal illnesses.)

14. With the exception of these costs and the costs enumerated in article 11, paragraph 1 (a), of the agreements with Mali and Swaziland, the States concerned have indicated that they are prepared to bear all other expenses incurred in the enforcement of the sentences of convicted persons who might be transferred to them by the Tribunal, such as the cost of

overall security arrangements, utilities and basic medical care, and other miscellaneous expenses.

15. Accordingly, on 15 November 2000, the Tribunal provided the Government of Mali with an undertaking that it would bear the costs of bedding, toiletries, clothing, telephone cards, meals, specialized medical care and incidentals arising from enforcement of the prison sentences of convicted persons who might be transferred to that State to serve their sentences. This undertaking constitutes an "agreement otherwise" between the parties, under the terms of article 11, paragraph 1, of the agreement with Mali, and, accordingly, has the effect in law of modifying the allocation of costs between the United Nations and Mali set out in that paragraph. It is likely that it will be necessary for the Organization, through the Tribunal, to provide broadly similar undertakings to other States in Africa with which the Organization has concluded, or might in the future conclude, agreements on the enforcement of the Tribunal's sentences.

16. If the United Nations agrees with a State to bear any or all of the costs arising from the enforcement of the Tribunal's sentences, the issue arises of which costs may appropriately be the responsibility of the United Nations.

17. It would be proper and lawful for the United Nations to bear costs arising from providing prisoners serving sentences imposed by the Tribunal with a regime of imprisonment that is consistent with that enjoyed by other, comparable prisoners within the prison system of the State in which they are serving their sentences. This is so even though that regime might, in certain respects, exceed international minimum standards. On the other hand, should that regime in any respect fall short of international minimum standards, it would be a lawful and proper element of expenditure for the Organization to pay for prisoners serving sentences imposed by the Tribunal to be provided with a regime that complies with international minimum standards in the respect concerned. This is so even though the regime of imprisonment that those prisoners consequently enjoy will, in the respect concerned, exceed normal standards in the State concerned.

18. Given the differences that exist in prison standards in different countries around the world, and given the differing capacities of States to bear the cost of maintenance and upkeep for prisoners transferred to them by the Tribunal, it is not feasible to provide a definitive estimate of the long-term costs arising from the enforcement of sentences. The estimates provided below, therefore, are based on a number of assumptions.

19. Based on the agreement with Mali, the cost could be estimated at approximately $20 per prisoner per day for bedding, toiletries, clothing, telephone charges, meal supplements, incidentals, medicines, specialized medical care and maintenance; an additional $1,000 per prisoner per month for medical care and medicines for HIV patients; and an estimated $16,800 annually for inspection of prison conditions in the States enforcing the sentences.

20. The number of convicted persons, based on working assumptions made for the purpose of this report, is projected to be 50 by the year 2008. This projection is based on the number of actual and anticipated indictments, an assumed arrest rate (in respect of those not yet in custody) and an assumed conviction rate (based on the rate prevailing in trials to date).

21. The minimum annual maintenance cost for the enforcement of sentences is estimated at $725,000 based on 50 convicted persons ($365,000), of which a number would require HIV medical treatment ($360,000). The estimates relating to United Nations inspection visits during the long-term enforcement of sentences are outlined below, under "Other costs".

2. Other costs ($290,800)

22. Other costs directly or indirectly arising from the enforcement of sentences that could properly be borne by the Organization and not the States agreeing to enforce the sentences handed down by the Tribunal are summarized below (in United States dollars).

Cost of transfers to/from States	140 000
Cost of relocations between States	30 000
Inspections	16 800
Legal aid for pardons and commutations	52 000
Legal aid for review of convictions	52 000
Total	**290 800**

23. Detailed requirements, based on agreements and experiences to date, are elaborated below. It should be understood that these estimates are extremely tentative.

(a) Cost of transfers to States where sentences are to be served and/or transfer out of those States, if such transfers become necessary or desirable: $140,000

24. The cost of transfer to States where sentences are served is estimated at $140,000. The estimates are based on the assumption that there are to be 50 convicted persons requiring transfers to host countries with which agreements have been signed.

(b) Cost of relocation transfers of convicts to another State: $30,000

25. For various reasons, it may become undesirable, inappropriate or impossible for a prisoner to continue to serve his or her sentence in the State in which he/she has hitherto been held. It will therefore be necessary to remove the prisoner from that State and transfer him/her to another State, where he/she may continue to serve his/her sentence. The costs of such transfers, if they become necessary or desirable, are estimated at $30,000. This is based on the assumption that 10 per cent of the estimated 50 convicted persons may need to be relocated to a different prison facility in a separate host country and includes requirements for an accompanying officer. Both the model agreement for the enforcement of the Tribunal's sentences and all three of the agreements concluded to date provide for the cost of such transfers to be borne by the Organization unless the parties subsequently agree otherwise.

(c) Cost of carrying out inspections of conditions of imprisonment: $16,800

26. In accordance with article 26 of the Statute of the Tribunal, imprisonment is served in a State designated by the Tribunal, "subject to the supervision of the International Tribunal". In accordance with rule 103 of the Tribunal's Rules of Procedure and Evidence, inspections of the conditions of detention and treatment of convicted persons are carried out either by the Tribunal itself or by such body or person as it may designate for that purpose.

27. The model agreement on the enforcement of the sentences of the Tribunal, as well as the agreements concluded with Benin, Mali and Swaziland, provides for inspections to be carried out by the International Committee of the Red Cross (ICRC) or by such other body or person as the Tribunal may designate for that purpose.

28. According to preliminary discussions held by the Tribunal with representatives of ICRC who have already been monitoring the Tribunal's current detention facility in Arusha, it is anticipated that there will be no need for an agreement to enable ICRC to conduct inspection visits in the States where the Tribunal's sentences are enforced. ICRC has also indicated that since the Tribunal's prisoners are not political prisoners, it is prepared to carry out "tracing" functions in those States, at its own expense, but does not plan to undertake any "monitoring" functions.

29. Arrangements have been made with the United Nations Development Programme (UNDP) office in Mali to liaise, on behalf of the Tribunal, with the relevant authorities of the Mali penitentiary system with regard to payment for meals and the provision of medical care. UNDP is being reimbursed for its administrative costs. As problems arise, UNDP will promptly inform the Tribunal, and the Tribunal will take the necessary action on the issue.

30. In cases in which an agreement with ICRC cannot be concluded, it is expected that experts, preferably from specialized United Nations agencies, such as the Office of the United Nations High Commissioner for Human Rights, and/or qualified members of the Tribunal, will visit the enforcement States at least once a year for the purpose of conducting inspections, pursuant to rule 104 of the Tribunal's Rules of Procedure and Evidence, and to discuss with the relevant authorities issues relating to the conditions of imprisonment. It is anticipated that the travel costs for any relevant United Nations staff member would be approximately $2,800 per trip. Assuming a total of six trips to visit three prison facilities, the annual cost is estimated at $16,800.

(d) Cost of legal assistance for prisoners making submissions regarding pardon, commutation of sentence or early release: $52,000

31. Pursuant to the laws of the State in which a convicted person is imprisoned, the convict may become eligible for pardon, commutation of sentence or early release before the terminal date of the sentence

imposed by the Tribunal. Article 27 of the statute provides that in such an event the President of the Tribunal, in consultation with the judges, shall decide, on the basis of the interests of justice and the general principles of law, whether or not the prisoner should or should not be pardoned, have his/her sentence commuted or be granted early release. The President has issued a Practice Direction to establish internal procedures for the implementation of these provisions.

32. Costs to the Organization may arise from the need to assign counsel to prisoners who wish to have legal assistance for the purpose of preparing and submitting submissions to the President under these procedures and who do not have sufficient means to pay for such assistance themselves.

33. It is assumed that in any one year 10 per cent of the estimated 50 convicted persons may choose to make submissions regarding commutation of sentence or pardon, requiring a provision of $52,000.

(e) Cost of legal assistance for prisoners seeking review of conviction: $52,000

34. A new fact may be discovered that was not known at the time of the trial of a person convicted by the Tribunal or at the time he or she lodged an appeal against conviction. Had that fact been known at the time, it may be that the Trial Chamber or Appeals Chamber would not have found the accused guilty or would have allowed the appeal against conviction. In such an event, article 25 of the statute of the Tribunal provides that the convicted person may submit an application to the Tribunal for review of the judgement.

35. Costs may arise for the Organization as a result of the need to assign legal assistance to prisoners who have insufficient means to pay for counsel to represent them in the submission of an application for review. It is assumed that in any one year 10 per cent of the estimated 50 convicted persons may seek review of their convictions. A provision of $52,000 would cover the associated costs.

B. Costs arising upon the completion of sentences ($141,000)

(a) Cost of the disposal of the remains of deceased prisoners: $104,600

36. A person convicted by the Tribunal may die before he/she finishes serving his/her sentence, and the State enforcing the sentence may not be prepared to bear the cost of making arrangements, in consultation with the immediate family members, for the disposal of his/her remains. The Organization may then properly agree to meet the costs that would have been incurred by the State in the disposal of the remains.

37. The agreements concluded with Mali and Swaziland make provision for this purpose. Specifically, they provide that, unless the parties subsequently agree otherwise, the Organization will reimburse those Governments for any costs they might incur in connection with removal of the bodies of deceased prisoners from the States concerned. While the agreement with Benin does not specifically address the eventuality of a prisoner's death, it is legally to similar effect.

38. The estimate of $104,600 is based on the assumption that 75 per cent, or approximately 37 of the estimated 50 convicted persons, may pass away while serving their sentences and that the Governments of the States concerned will incur costs in connection with the removal of their mortal remains from those States. This assumption is based on the average length of sentences that have been imposed and on the fact that a significant number of detainees suffer from serious health problems.

(b) Cost of removing a discharged prisoner from the State of enforcement and transferring that prisoner to a suitable destination: $36,400

39. A discharged prisoner, having completed his/her sentence, may be unable or unwilling to find a State in which to reside following release. The State that enforced the sentence may not be willing for him/her to remain in its territory and may take steps to remove the person from its territory and transfer him/her to another State that is willing to receive him/her. In such an event, the Organization may properly agree to assume the costs involved.

40. The agreements with Mali and Swaziland make provision for this purpose. While the agreement with Benin does not specifically address the eventuality of a prisoner's release, it is legally to similar effect.

41. The estimate is based on the assumption that 25 per cent of the estimated 50 convicted persons, or approximately 13 prisoners, will serve out their terms and will need to be transferred to their home countries or to States willing to accept them.

III. Identifying mechanisms to deal with issues arising in the course of sentence enforcement

42. When the tasks of conducting trials and hearing appeals are completed and the mandate of the Tribunal has been fulfilled, it will fall to the Security Council to decide what should happen with regard to the enforcement of sentences that the Tribunal has handed down. In particular, at that time the Security Council would need to decide whether the prisoners who have not completed their sentences should continue to serve the sentences handed down by the Tribunal, and, if so, whether the legal regime governing the enforcement of sentences should be along the lines of that currently laid down in the Tribunal's statute or whether another, different regime should be put in place for that purpose.

43. Assuming that the Security Council would be of the view that prisoners should continue to serve their sentences as handed down by the Tribunal, and that the legal regime governing the enforcement of those sentences should be that laid down in the Tribunal's statute, or at least be broadly similar to it, the long-term financial obligations of the United Nations would continue to consist of the costs described in section II.A above. It would also be necessary in that event to preserve the mechanisms currently existing within the Tribunal to deal with issues that will, or might conceivably, arise under that regime for the enforcement of sentences. Alternatively, it would be necessary to create new mechanisms to deal with those issues or else to make use of other suitable mechanisms that might already exist outside the Tribunal. Costs would be associated with the existence, operation and use of those mechanisms. These mechanisms are listed below.

(a) *A mechanism to supervise prisoners' condition of detention*: Provisions for inspections are currently laid down in article 26 of the statute of the Tribunal and rule 104 of its Rules of Procedure and Evidence. Under rule 104, inspections are carried out either by the Tribunal itself or by such body or person as it may designate for that purpose. In addition, a mechanism to receive, evaluate and take action on reports on inspections would need to be in place. At present the Rules of Procedure and Evidence do not indicate the person or organ within the Tribunal that is to evaluate reports on inspections and decide on any action that might need to be taken. Nor, to date, has the President of the Tribunal issued a Practice Direction to establish internal procedures on the matter. The agreements with Benin, Mali and Swaziland stipulate that the President of the Tribunal will fulfil this role.

(b) *A mechanism to decide questions of pardon, commutation of sentence and early release*: Provisions are made for this purpose in article 27 of the statute, in accordance with which the President of the Tribunal decides such questions, in consultation with judges.

(c) *A mechanism to identify another State to which a prisoner may have to be transferred to complete his/her sentence*: Provisions are made for this purpose under article 26 of the Tribunal's statute and in rule 103 A of its Rules of Procedure and Evidence. Further, a Practice Direction exists, issued by the President of the Tribunal, establishing an internal procedure for determining the State in which a person convicted by the Tribunal is to serve his/her sentence. In this connection, the actual transfer of the prisoner currently falls to the Registrar, who is charged with making and implementing arrangements for the transfer of the convicted person from the State where he/she is currently serving his/her sentence to the State that is to continue enforcing that sentence.

(d) *A mechanism to decide on applications for review of conviction*: Provisions are made for this purpose in article 25 of the Tribunal's statute and in rule 121 of the its Rules of Procedure and Evidence. In accordance with those provisions, it is for either a Trial Chamber or the Appeals Chamber, as appropriate, to decide whether to grant such an application for review and, if it is granted, to conduct a review of the original judgement.

(e) *A mechanism to decide upon claims for compensation for miscarriage of justice*: Although the

United Nations, pursuant to established human rights law, would be under an obligation to pay compensation to an individual who had been improperly convicted as a result of a miscarriage of justice, no specific mechanism currently exists within the Organization for receiving claims for compensation, deciding on those claims and making awards. In particular, the Tribunal itself does not at present enjoy the requisite legal powers to adjudicate applications for and award compensation in such cases. The Secretary-General has brought to the attention of the Security Council a letter from the President of the Tribunal indicating that it is the wish of the judges that the Security Council amend the statute to enable the Tribunal to award compensation. The Security Council has yet to take action on the matter.

IV. Conclusions and recommendations

44. **In identifying the legal and financial elements relating to the long-term enforcement of sentences imposed by the International Tribunal for Rwanda, it is apparent that the United Nations will need to make adequate provisions, currently estimated at $1,015,800 annually, for costs that relate directly to the enforcement of sentences and for expenses that may arise during the period of enforcement, which pertain to the transfer, relocation and movement of prisoners, review of their convictions, consideration of their possible early release and inspection of their conditions of detention. Additional consideration will also be required for expenses that may arise upon the completion of sentences, estimated at $141,000, as a result of the relocation of prisoners to suitable destinations or the disposal of their remains if they pass away while serving sentences.**

45. **The General Assembly may wish to take note this report and request the Secretary-General to ensure that due consideration continues to be given in future International Tribunal for Rwanda budget proposals for the provision of resources for the biennium concerned relating to the enforcement of sentences.**

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Fifty-seventh session
Item 114 of the provisional agenda*
Programme budget for the biennium 2002-2003

Decentralized budgetary and financial arrangements for central services

Report of the Secretary-General**

Summary

The General Assembly, in section II of resolution 56/253 of 24 December 2001, requested the Secretary-General to study the possibility of introducing a practice whereby user departments within the United Nations Secretariat would be responsible from their own budgets for the consumption and payment of those central services currently borne centrally under section 27, Management and central support services, of the regular budget.

The present report outlines the measures already in place for decentralized funding of central services and provides a conceptual review of the advantages and disadvantages of decentralized funding arrangements. The report also reviews the potential for further decentralized funding of central services.

It is recommended that the General Assembly take note of the report.

* A/57/150.

** The preparation of the present report was delayed owing to the need for consultations with relevant central services.

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I. Background

1. In section II, paragraph 37, of its resolution 56/253 of 24 December 2001, the General Assembly requested the Secretary-General to study the possibility of introducing a practice whereby user departments within the United Nations Secretariat would be responsible from their own budgets for the consumption and payment of those central services currently borne centrally under section 27, Management and central support services, of the regular budget. The request has been understood to relate to services that would continue to be provided centrally from an operational standpoint, but for which the funding would be decentralized to the budgets of user departments and offices. Users, by providing reimbursement for services rendered, would be in a position to control the consumption, and to some extent the quality and cost, of the services received from the central administrative units.

2. The concept under study at the request of the General Assembly is not new. In some areas of the central support services, it has been gradually introduced and implemented over the years since the early 1980s. A proposal for decentralizing the costs of long distance telephone services at Headquarters was first made in the context of the proposed programme budget for the biennium 1982-1983 (A/36/6), vol. II, para. 28D.79. The Assembly endorsed the proposal. Later, similar decentralization of funds was introduced at Headquarters in connection with the programmes of replacement and servicing of office automation equipment, use of the International Computing Centre (ICC) resources, travel and removal activities, certain components of the consolidated office and stationery supplies programme and funds relating to the central publication programme. The same approach with respect to some similar activities has also been adopted by the United Nations Offices at Geneva and Vienna. Furthermore, in the context of the programme budget for the biennium 2002-2003, all telecommunications costs relating to voice and fax services financed from the regular budget at Headquarters have been decentralized to user departments and offices.

II. Conceptual aspects

3. Support services comprise a variety of activities provided to user departments and offices and could be classified as follows:

> **Central services** are those that are provided to United Nations Secretariat organizational units and are carried out under a direct line of management authority that is within the Secretariat;
>
> **Common services** are those that are provided not only to the United Nations Secretariat but also to "client" organizations including the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the United Nations Office for Project Services (UNOPS). Management of such common services requires a responsiveness to the concerns of these client organizations whose consent and cooperation are an essential element of the common services framework.

4. A service can be both central and common: in fact, common services provided at United Nations Headquarters are based on existing central services.

5. The discussions in the present report are largely focused on the first type of services, central services. The aspects of common services, including the mode of their financing, have been recently reviewed by the General Assembly on the basis of specific reports submitted to the Assembly by the Joint Inspection Unit (JIU) (A/55/856 and Add.1) and by the Secretariat (A/54/157 and A/55/461). The common services issues are further elaborated in a subsequent report of the Secretary-General (A/57/176) which is currently before the Assembly. A listing of common services provided at United Nations Headquarters is included in paragraph 10 below.

6. For efficient, flexible and cost-effective central services, it is essential that such services be operated in a businesslike, client-oriented manner. This could be accomplished by setting specific financial, service quality and other performance targets for the service provider, and monitoring performance on a regular basis. From the perspective of management and operation, central services are often more efficient because operational decisions can be taken and carried out more readily than those affecting common services,

which in turn require extensive consultations for consensus-building. Centralized services also secure important economies of scale and the advantages of large volume pricing and discounts which would not be available to individual end-users. Staffing considerations have further re-enforced the centralization concept. Centralized staffing provides for better, more efficient and faster response during periods of peak demand for services. It further allows for greater flexibility in the adjustment to changes in conditions of services or markets.

7. While decentralization of operational aspects of central services could sometimes prove to be counterproductive, the redistribution to user departments of currently centralized budgetary resources and subsequent cost recovery from end-users deserve a closer look as they can allow the gains from economies of scale to be preserved while improving the client orientation of the service providers.

8. There are certain advantages inherent in charge-back/reimbursement procedures for the services rendered. User departments can become more cost-conscious after receiving direct financial responsibility over their expenditures. Cost awareness can serve as an incentive to increase efficiency on the part of both service providers and users.

9. Cost recovery of centrally provided services has been implemented at the Secretariat in various forms. One charge-back modality has been in existence for several bienniums in the form of service-level agreements between the Information Technology Services Division (ITSD) of the Office of Central Support Services, and user departments and offices at Headquarters, for information technology user support services, such as help-desk, software distribution and local area network (LAN) services. Under these agreements, on the basis of a charge per unit (personal computer installed), user departments and offices can choose among three available levels of service, including different combinations of hardware and software maintenance, help desk services and LAN administration. The required level of resources for each user department is then estimated and established during the formulation of the programme budget. Since the expenditure levels are set from the beginning, there is no need for complex billing, and reimbursement procedures are kept fairly simple. The disadvantage of these arrangements is the lack of control by the end-users of the quality and costs of the service.

10. Another system of reimbursement consists of contributions by users to the service provider's budget based on the total expenditures of previous years divided by an agreed-upon unit of service. Under this modality, extensive, and often complex, workload statistics have been developed and agreed upon between the provider and its clients. These statistics measure units of service throughout a wide range of services (namely, number of pouch bags delivered, number of pieces of correspondence processed, number of staff whose household items have been transported, number of staff trained in language classes, number of staff processed in payroll etc.). A proportion (or weight) is then established for each user's utilization of the total services provided. The total operational expenditures of the provider (both staff and non-staff) are then divided on a prorated basis among the users and billed accordingly. This system has been in place for many years with respect to the various common services provided by the Secretariat at Headquarters to the United Nations funds and programmes at Headquarters (UNDP, UNFPA, UNOPS and UNICEF). Its application, however, is limited to areas that provide measurable units of service. These include, inter alia, the following 21 services: Treasury services, Joint Appeals Board, Payroll, Insurance, Advisory Board on Compensation Claims, United Nations Claims Board, secretariat of the United Nations Board of Auditors, Staff counselling, General Service examinations, Language training, Medical services, Security and safety, Central switchboard (telephone), Laissez-passer/Visas, Commercial transport, Local transport, Mail dispatch, Pouch, Legal services, United Nations Administrative Tribunal, and United Nations Joint Staff Pension Fund. Infrastructure-related services or services not individually measured (that is to say, general building maintenance, elevator services, utilities) will not provide accurate data on a prorated basis if this model of charging and reimbursement for services is utilized.

11. Charge-back modalities based on usage or utilization billing introduce issues that deserve further in-depth evaluation, however. As indicated above, such a billing charge-back process has been in place in the area of telecommunications since the beginning of 2000. In this case, the nature of telephone and telecommunications technologies allows for a relatively low-cost implementation of a charge-back arrangement, since inherent country-and-city-code routing features of the telephone exchange easily

translate directly dialled long distance and international calls to an internal United Nations network, which generates the appropriate billings. User departments at Headquarters receive billings from ITSD, broken down by existing account identification. Users are charged for long distance calls made from all telephone units operating from the respective departments, under an interregional rate schedule regularly updated to assure that United Nations rates are below the lowest rate available from commercial service providers. They receive one bill for all calls made using the United Nations Secretariat network and calls made using private carriers, and ITSD can easily validate service provider billings. Reimbursements from the billings finance the telephone services to users at Headquarters. This advantage, unfortunately, cannot be easily applied to reimbursements in most other areas. Some central services (for example, administration of staff at Headquarters by the Operational Services Division of the Office of Human Resources Management) are of a multiple nature, making it difficult to arrive at a universal service unit allowing for cost measurement. In this case, the cost to provide the services varies, depending not only on the volume of specific activities or transactions provided, but also on types of such transactions. Thus, in such cases, the development of a charge-back mechanism would require budgeting of and accounting for core functions on a per-service basis. This, in turn, would create a fluctuation in funding between budgeting periods, which would endanger the continuous provision of the required services, apart from a significant increase in administrative work at both the central offices providing such services and the user departments.

12. The experience in operating a charge-back system in the telecommunications area also demonstrates that some overall costs cannot be assigned on the basis of prorata or past experience. Facilities maintenance, or security and safety services, for example, may be cases in point. These services are not targeted to individual departments and offices, but rather are provided for the whole United Nations compound, including delegates, public and general use areas of the premises. It may be possible to charge back such service per call for repairs, or per emergency, but it would be improper to charge the organizational units located in the compound with the overall maintenance or security cost for the compound. Also, from a technical standpoint, while it may be possible to assign such costs to departments and offices based on the previous financial period's total expenditures on the basis of square footage, future costs can only be estimated. Therefore, adjustments would be required at the end of the fiscal period, resulting in budgetary surplus or deficit, which in turn would significantly limit the flexibility for managing resources that the centralized service arrangements provide for.

13. Charge-back modalities for procurement services introduce their own set of complications. Since high-value procurement often emanates from aggregated multiple-office requirements, it can be further anticipated that high-consumption offices will wish to see the benefits of their volume directly. The charge back on a per consumption basis would result in this case in a dissipation of the benefits of volume purchasing.

14. In general, a crucial factor in considering whether budgeting of costs of a particular central service should be decentralized is the issue of who is an end-user of the service. As indicated in paragraph 12 above, one group of central services comprise the services provided for the United Nations compound as a whole. Another group of central services targets members of staff, rather than departments and offices. This group of services comprises payroll, medical and insurance services, language courses, administration of justice, staff counselling and General Service to Professional category examinations. In both cases, it does not seem to be useful to decentralize the related costs to the budgets of the individual departments and offices, because that arrangement would represent a rather mechanical delineation of activities and related resources.

15. The decentralization of resources to user departments and offices would require additional funds for the creation of an operating reserve to be maintained, in order for the central service to be operational until the payments for the services rendered had been made by users. Under the charge-back system, the users pay for the services already delivered, or on an ex post facto basis. Assuming that the billing is carried out on a monthly basis, the central service would need an operating reserve to finance its operations and meet its contractual obligations to vendors and staff, in an amount equivalent to at least one month's costs of the activities, until the payments from users arrive. For example, for the telecommunications operation, which is currently under such arrangements, that reserve has been established in

the amount of $1.1 million. The overall costs of the central services provided to users at established headquarters and at the regional commissions are estimated to be in the amount of some $340 million for the biennium 2002-2003. Should all current central services be financed through the decentralized arrangements, an operating reserve in the amount of $16-17 million in total would need to be maintained at any given time to ensure uninterrupted services. In a charge-back system, the financing of such a reserve would require additional resources.

16. Further to the issues discussed above, it should also be noted that any charge-back system requires an efficient and accurate accounting methodology, as well as a sophisticated monitoring and reporting system supported by a sufficient level of technological infrastructure. While some of the infrastructure (Integrated Management Information System (IMIS)) is in place, in many areas the additional administrative transactions, such as internal billings, payments reconciliation and the related monitoring, would create a significant amount of additional work which cannot be accommodated from within the existing administrative staff force.

III. Review of current central services for possible decentralizing of funding provisions

17. The following is a list of the central services activities at Headquarters that are financed from the central budget approved under section 27, Management and central support services. Similar services in other established headquarters and in the regional commissions are also financed from the central budget established for the organizational unit providing those services under a particular budget section:

(a) In the area of financial services:

(i) Treasury services relating to processing of voluntary and other extrabudgetary contributions and donations made by donors for specific activities;

(ii) Accounts Division services relating to processing, accounting for and reporting on extrabudgetary contributions and related expenditures, payroll, insurance and travel and vendors claims processing services;

(b) In the area of human resources management:

(i) Operational services relating to recruitment, placement, promotion and administration of staff;

(ii) Medical services;

(iii) Job classification services;

(iv) Administration of justice services;

(v) Staff counselling;

(vi) Performance Appraisal System (PAS) process services;

(vii) General Service to Professional category examinations;

(viii) Training and staff development programmes;

(ix) Language courses;

(c) In the area of common support services:

(i) Security and safety services;

(ii) IMIS services;

(iii) Broadcast and meetings services;

(iv) Travel documents and visa services;

(v) Facilities maintenance services;

(vi) Office space;

(vii) Consolidated office and stationery supplies;

(viii) Procurement services.

18. Based on the considerations outlined above, it seems that the central services not directly provided for the organizational units of the Secretariat should be left outside the review of the services for the possible decentralization of the funding arrangements. Of the remaining services, the central services that are also common services (also provided to the funds and programmes) could be potential candidates for decentralized funding arrangements. The accounting and reporting mechanism and charge-back methodology currently exist. However, the one issue that would require a thorough review would be whether the decentralization would on balance be beneficial and improve the efficiency of that central service, bearing in mind the additional overhead costs for accounting and recording that would be required.

19. The first candidate for decentralized funding would be office space after implementation of the capital master plan. Other services for possible decentralized funding could in principle include training services, travel documents and visa services, consolidated office and stationery supplies and procurement services. Nevertheless, the case for changing present arrangements for these is not compelling. It would require expenditure of considerable financial resources to fully develop the necessary recording, accounting and charging arrangements, while the benefits of improved client orientation and responsiveness of service providers are not guaranteed. In fact, while the providers are the sole sources of such services, the efficiency improvements are likely to be marginal. Nevertheless, the need for improved efficiency of central services is fully recognized and will be continued to be pursued by setting performance targets for service providers within the framework existing under results-based budgeting for the use of indicators of achievement.

IV. Conclusions and recommendations

20. **A number of significant centrally provided services are already budgeted on a decentralized basis; these include telecommunications, information technology support, travel and removal services. In addition, over 20 common services are provided centrally but are cost-shared between the United Nations and the funds and programmes (UNDP, UNFPA, UNOPS and UNICEF).**

21. **The discussions above, however, demonstrate the limitations that restrict further expansion of the decentralized budgetary and financial arrangements for central services. Overhead costs resulting from introduction of the decentralized payment arrangements may outweigh the expected benefits. Also, payments for the services rendered imply that the servicing offices are provided in advance with sufficient cash resources for an operating reserve, in order to ensure uninterrupted services, including the timely meeting of all legal obligations of the Organization vis-à-vis staff and external contractors. The need for maintaining such a reserve would call for additional resources.**

22. **In light of the above, the Secretariat intends to keep under review the issue of decentralized budgeting arrangements for central services and will introduce further use of the modality only to the extent that it is consistent with best practices and optimal use of limited resources. Improved efficiency in the provision of central services will continue to be pursued through wider use of performance targets when formulating indicators of achievement.**

23. **It is recommended that the General Assembly take note of this report.**

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Item 111 (c) of the provisional agenda*
Human rights questions: human rights situations and reports of Special Rapporteurs and representatives

Mission report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances

Note by the Secretary-General**

1. In its resolution 2002/14, adopted without a vote on 19 April 2002 and approved by Economic and Social Council decision 2002/248 of 25 July 2002, the Commission on Human Rights recalled its decision to request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo, while regretting that the security situation had not yet allowed such a mission.

2. In the same resolution, the Commission on Human Rights decided to request the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, as soon as security considerations permitted and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities referred to in the various reports of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view

* A/57/150.

** Pursuant to General Assembly resolution 53/208 B, paragraph 8, this document is submitted late in order to include additional updated information.

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to bringing to justice those responsible, and to report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session.

3. The Commission on Human Rights also decided to request the Secretary-General to give all necessary assistance to the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and to the joint mission, to enable them to discharge their mandates fully, and to request the United Nations High Commissioner for Human Rights to provide appropriate technical expertise to enable the joint mission to fulfil its mandate.

4. The new Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Iulia Motoc, went to Kinshasa from 14 to 19 February 2002 for her first visit since her appointment in November 2001. On that occasion, she had preliminary consultations with the Government in order to determine the extent to which the latter would support the work of the mission.

5. She also intends to make contact with the rebel groups in order to obtain their support for the mission and ensure conditions of security on the ground.

6. In any event, the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo has initiated a process of consultations with the other members of the joint mission to ascertain their availability.

7. All relevant information will be found in the next report of the Special Rapporteur to the Commission on Human Rights at its fifty-ninth session.